

REMARKS

Claims 2, 4-5 and 10 are presented for examination, as Claims 7-9 have been withdrawn. The Examiner rejected Claims 2, 4, 5, and 10 under 35 U.S.C. 102(b). Claims 2 and 10 have been amended in the foregoing amendment. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

Claims 2, 4, 5, and 10 Are Not Anticipated by Bertva or Calleson

The Examiner rejected Claims 4 and 10 as anticipated by Bertva, and rejected Claims 2, 4, 5, and 10 as anticipated by Calleson. Applicants traverse these rejections for the reasons discussed below.

Claim 10

The header tank of amended Claim 10 requires, among other elements, that the first separated body includes a tube holding wall portion having insertion holes for holding the flat tubes and a pair of straight portions approximately parallel to one another, wherein the straight portions and the tube holding wall portion are formed in a C-shaped cross sectional shape, and that the second separated body (32B) includes a main body portion (41) closing an opening portion of the first separated body, abutment portions (42) provided in both ends of the main body portion (41) and abutted on leading end surfaces (36a) of the straight portions (36) of the first separated body (32A), and joint projections (43) protruded from the main body portion (41) and bonded to inner peripheral surfaces of leading end portions of the straight portions (36), wherein a length of the second separated body (32B) in a direction orthogonal to a longitudinal direction of the tube does not exceed a length of the first separated body (32A) in the direction orthogonal to the longitudinal direction of the tube, and wherein the leading end portion of the straight portions are accommodated in a space defined by the joint projections and the abutment portions.

Making the length of the second separated body (32B) in a direction orthogonal to the longitudinal direction of the tube such that it does not exceed the length of

the first separated body (32A) in the direction orthogonal to the longitudinal direction of the tube, allows the header tank of amended Claim 10 to be formed by applying the caulking power generated by a caulking tool 63 along an X-direction as shown in Fig. 12B and as described at page 13, line 20 to page 14, line 1 of the specification. Moreover, with this configuration, the header pipe can be made small while securing a passage cross-sectional area of the pipe.

In contrast, Bertva describes a two-piece header in which the length of the outer member 48 in a direction orthogonal to the longitudinal direction of the tube 14 exceeds the length of the inner member 26 having the tube holding wall in the direction orthogonal to the longitudinal direction of the tube 14, as shown in Fig. 4.

In Calleson, the length of the curved upper portion 122 in a direction orthogonal to the longitudinal direction of the tube 112 also exceeds the length of the header plate 150 having a tube holding wall in the direction orthogonal to the longitudinal direction of the tube 112.

Accordingly, Bertva and Calleson both fail to describe that a length of the second separated body (32B) in the direction orthogonal to a longitudinal direction of the tube does not exceed a length of the first separated body (32A) in the direction orthogonal to the longitudinal direction of the tube, as required by Claim 10. Accordingly, Claim 10 should be allowed.

Claims 2, 4, and 5

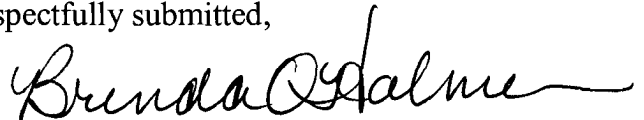
Claims 2, 4, and 5 depend directly or indirectly from Claim 10. The remarks made above in support of the patentability of independent Claim 10 are equally applicable to distinguish the dependent claims from Bertva and Calleson. Accordingly, Claims 2, 4, and 5 should also be allowed.

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CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes", with a long horizontal flourish extending to the right.

By: Brenda O. Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Our Docket: 44471/298741